

ORDINANCE NO. 2001 - 073

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ELEMENT (TO REVISE THE ALLOWABLE USES WITHIN THE PALM BEACH INTERNATIONAL AIRPORT (PBIA) OVERLAY); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on June 15, 22 and July 13, 2001 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on August 14, 2001 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on November 5, 2001 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated November 2, 2001 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, the written comments submitted by the Department of Community Affairs contained no objections to the amendments contained

1 in this ordinance;

2 WHEREAS, on December 5, 2001 the Palm Beach County Board of
3 County Commissioners held a public hearing to review the written
4 comments submitted by the Department of Community Affairs and to
5 consider adoption of the amendments; and

6 WHEREAS, the Palm Beach County Board of County Commissioners has
7 determined that the amendments comply with all requirements of the
8 Local Government Comprehensive Planning and Land Development
9 Regulations Act.

10 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
11 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

12 Part I. Amendments to the 1989 Comprehensive Plan

13 Amendments to the text of the following Element of the 1989
14 Comprehensive Plan are hereby adopted and attached to this Ordinance
15 in Exhibit 1:

16 A. Future Land Use Element, To revise the allowable uses
17 within the Palm Beach International Airport (PBIA) Overlay;
18 and

19 B. Amending all elements as necessary for internal
20 consistency.

21 Part II. Repeal of Laws in Conflict

22 All local laws and ordinances applying to the unincorporated area
23 of Palm Beach County in conflict with any provision of this ordinance
24 are hereby repealed to the extent of such conflict.

25 Part III. Severability

26 If any section, paragraph, sentence, clause, phrase, or word of
27 this Ordinance is for any reason held by the Court to be
28 unconstitutional, inoperative or void, such holding shall not affect
29 the remainder of this Ordinance.

30 Part IV. Inclusion in the 1989 Comprehensive Plan

31 The provision of this Ordinance shall become and be made a part
32 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
33 Ordinance may be renumbered or relettered to accomplish such, and the
34 word "ordinance" may be changed to "section," "article," or any other
35 appropriate word.
36

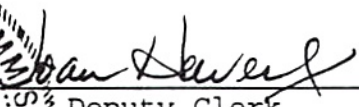
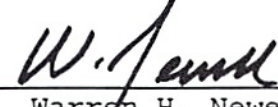
1 Part V. Effective Date

2 The effective date of this plan amendment shall be the date a
3 final order is issued by the Department of Community Affairs or
4 Administration Commission finding the amendment in compliance in
5 accordance with Section 163.3184, Florida Statutes, whichever occurs
6 earlier. No development orders, development permits, or land uses
7 dependent on this amendment may be issued or commence before it has
8 become effective. If a final order of noncompliance is issued by the
9 Administration Commission, this amendment may nevertheless be made
10 effective by adoption of a resolution affirming its effective status,
11 a copy of which resolutions shall be sent to the Department of
12 Community Affairs, Bureau of Local Planning, 2555 Shumard Oak
13 Boulevard
14 Tallahassee, Florida 32399-2100.

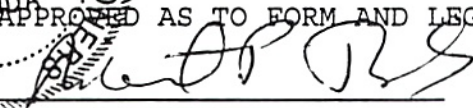
15 **APPROVED AND ADOPTED** by the Board of County Commissioners of
16 Palm Beach County, on the 5 day of December, 2001.

17
18 ATTEST:
19 DOROTHY H. WILKEN, Clerk

 PALM BEACH COUNTY, FLORIDA,
 BY ITS BOARD OF COUNTY COMMISSIONERS

20
21  By 
22 Deputy Clerk Warren H. Newell, Chairman

23
24 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

25 
26 COUNTY ATTORNEY

27
28
29 Filed with the Department of State on the 14th day of
30 December, 2001

31
32
33
34 T:\PLANNING\AMEND\01-2\admin\Bccadopt\Ordinances\PBIA-Overlay-Uses-ord.rtf

EXHIBIT 1

A. Future Land Use Element, PBIA Overlay Uses

REVISIONS: To revise the allowable uses within the PBIA Overlay area. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck out~~.

Sub-Objective 1.2.5 Palm Beach International Airport (PBIA) Approach Path Conversion Area Overlay

1. **REVISED Policy 1.2.5-c:** Industrial development ~~within~~ using either of ~~these~~ the zoning districts specified in Future Land Use Element Policy 1.2.5-b shall be in the form of a Planned Industrial Park or campus-like industrial development.
2. **ORIGINAL Policy 1.2.5-d:** ~~All future land use designations within the Overlay shall be eligible to convert to Industrial uses, except for areas designated as Parks and Recreation on the FLUA. These areas shall only be permitted uses allowed by that designation. The following areas shall only be allowed those uses permitted in the Residential future land use categories: (1) Timber Run subdivision, (2) Lake Belvedere Estates subdivision, and (3) Overbrook subdivision; (4) the area that is bounded by Belvedere Road on the north, the Florida Turnpike on the west, Jog Road on the east, and to a depth of 700 feet south from Belvedere Road; and, (5) the area bounded by Jog Road to the west, Southern Boulevard to the south, Belvedere Road to the north, and the right-of-way for Cypress Avenue.~~

REVISED Policy 1.2.5-d: All future land use designations within the Overlay shall be eligible to convert to Industrial uses, as provided for in Future Land Use Element Policy 1.2.5-b. Exceptions to this eligibility are:

- 1) Areas designated as Parks on the Future Land Use Atlas (FLUA). Areas possessing this designation shall remain as such.
- 2) The following areas, which shall only be allowed those uses permitted in the Residential future land use categories:

(A) The Timber Run subdivision;

(B) The Lake Belvedere Estates subdivision;

(C) The Overbrook subdivision;

(D) The area defined by the following boundaries beginning at Wallis and Jog Roads:

Western boundary: Jog Road between Wallis Road and Belvedere Road;

Northern boundary: Belvedere Road between Jog Road and the Timber Run subdivision;

Eastern boundary: The western limits of the Timber Run subdivision and the Royal Palm Estates subdivision;

Southern boundary: Southern Boulevard extending to the western side of Sunbeam Avenue;

Southwestern boundary: Sunbeam Avenue between Southern Boulevard and Wallis Road.

3. **REVISED Policy 1.2.5-e:** To provide land owners with the ability to convert to non-residential future land uses, both existing residential development and previously approved residential development that has not yet been constructed shall have the option to seek Industrial zoning. Exceptions to this occur for those parcels described in Future Land Use Element Policy 1.2.5-g. The parcels which are allowed to convert must be:
 1. At least 10 acres, if the parcel does not abut a roadway shown on the County's Thoroughfare Right-of-Way Identification Map; or
 2. At least 5 acres, if the parcel does abut a roadway shown on the County's Thoroughfare Right-of-Way Identification Map.

4. **REVISED Policy 1.2.5-f:** Except for the area described in Future Land Use Element Policy 1.2.5-g, vacant land which does not possess a development approval at the time of Plan adoption will have the option to seek industrial zoning provided the parcel is:

1. 10 acres, if the parcel does not abut a roadway shown on the County's Thoroughfare Right-of-Way Identification Map; and, only if the parcel is not contiguous on three or more sides to existing residential development; or,
2. 5 acres, if the parcel abuts a roadway shown on the County's Thoroughfare Right-of-Way Identification Map; and, only if the parcel is not contiguous on three or more sides to existing residential development.

T:\PLANNING\AMEND\01-2\admin\Bccadopt\Ordinances\PBIA-Overlay-Uses-ord.rtf

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on December 5, 2001.
DATED at West Palm Beach, FL on 12/13/01.
DOROTHY H. WILKEN, Clerk
By: Wanda Brown D.C.